

Appl. No. 10/537,877
Amdt. Dated Feb. 19, 2007
Reply to Office action of Oct. 19, 2006

REMARKS/ARGUMENTS

Reconsideration of the present application as amended is respectfully requested.

Claims 10-25 remain in this application. Claims 1-9 have been canceled.

In the final Office action Claims 4 and 8 were objected to for informalities with regard to not using the standard mathematical symbols for absolute value and square root. Applicants respectfully submit that such informality is not present in new claims 11, 22 and 25.

Claims 1-9 were rejected in the final Office action as failing to comply with the written description requirement of 35 U.S.C. §112, first paragraph. The Examiner alleged that there is no support in the specification for the term "coordinate system" used in Claims 1 and 7. Claims 1-9 have been canceled, without prejudice. Applicants respectfully submit that, to the extent new Claims 10-25 recite a coordinate system, such coordinate system is disclosed in the specification at,

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for example, paragraphs [0014], [0015] and [0017].

In the Office action, the Examiner rejected claims 1, 2, 4 and 6-9 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,122,960 (Hutchings et al.). Claims 1, 2, 6, 7 and 7/9 (sic) were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,160,478 (Jacobsen et al.). Claims 1-5, 7 and 8 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,436,052 (Nikolic et al.). Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hutchings in view of Nikolic.

In response, claims 1-9 have been canceled, without prejudice.

New claims 10-25 have been added to set forth patentable features of Applicants' invention. Applicants respectfully submit that new Claims 10-25 are patentable over Hutchings, Jacobsen, and Nikolic. Hutchings, Jacobsen, and Nikolic do not, for example, disclose or suggest, either singly or in combination, storing values corresponding to vector magnitudes in a memory of an

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activity monitor attached to the subject as recited in new independent Claim 1 or transmitting stored values corresponding to vector magnitudes to a device configured to determine an activity level of the subject, as recited in new independent Claim 21, or an attachable activity monitor comprising a processor operable to process sensor signals as respective vector components to produce a resultant vector and store values corresponding to the magnitude of the resultant vector, as recited in new Claim 24. Nikolic, in particular, discloses and suggests only that heart rate and acceleration outputs are stored locally on a storage device (col. 2, lines 21-24).

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.

Please charge any fee deficiencies and credit any

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overpayments to Deposit Account No. 14-1270.

Respectfully submitted,

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